IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 1057 OF 2007(A)

PETITIONER:

SENITH P., PALLIKKOL HOUSE,
P.O.AZHIKAL, KANNUR DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KANNUR.

GOVT. PLEADER SRI. M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 1057 OF 2007

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DATED THIS, THE 10TH DAY OF JANUARY, 2007

J U D G M E N T

Petitioner, aggrieved by the order Ext.P2 rejecting the application for revision of his own timings, has filed this writ petition. Earlier, he had filed W.P.(C) 27102/2006 before this Court for a direction to consider his application. Subsequently, the said writ petition was closed as infructuous since by the time the matter came up for consideration, final order was already passed. A copy of the order was directed to be served on the petitioner. The judgment is dated 17.11.2006. Petitioner, now challenges the said order passed by the respondent.

2. Learned counsel for the petitioner submits that rejection of his application as per Ext.P2 was without hearing him and that the remedy of revision before the STAT is not efficacious as the records of the RTA may not disclose the fact that his application was rejected without hearing the petitioner.

3. As regards the contention that the remedy of a revision is not efficacious, I am not inclined to accept the same. Even if the records by

itself may not show whether a notice was issued to the petitioner or not and he was heard or not, it is equally open to the petitioner to show that he has not been issued with any such notice or hearing and it is for the respondent to prove that proper notice had been served. Since the petitioner has got an alternate remedy, his contention as to whether the rejection of his application was proper on all the grounds as averred in the writ petition being open to be raised in a revision, I am not inclined to interfere at this stage.

The writ petition is dismissed subject to the above observation.

P.R. RAMAN,
JUDGE.

knc/-